



State of New Jersey

DEPARTMENT OF EDUCATION
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Governor

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Commissioner

July 3, 2003

TO: Chief School Administrators
Charter School Lead Persons

FROM: Isaac Bryant, Assistant Commissioner
Division of Student Services

SUBJECT: Unsafe School Choice Option - State Policy

In a memo from the regional assistant commissioners dated June 9, 2003, it was explained that the New Jersey Department of Education (NJDOE) is required under the federal *No Child Left Behind Act* (Title IX, Part E, Section 9532) to establish an Unsafe School Choice Option (USCO) policy by July 1, 2003. Attached please find a copy of the USCO policy that was adopted by the State Board of Education on June 18, 2003.

The intent of the statute and the NJDOE policy is to provide safety and security for students and to prevent unnecessary or extended interruptions to student learning. The policy is not meant to be a solution to all school safety problems -- rather it is one of many strategies available to schools to support safe and disciplined learning environments for all students.

Compliance with the policy is a condition of receiving funds under any and all titles under the *No Child Left Behind Act* (NCLB). Chief school administrators/charter school lead persons will be required to certify compliance with the USCO policy of the NJDOE in their applications for NCLB funds.

The policy contains two provisions that apply to local educational agencies (LEAs) receiving NCLB funds: 1) *persistently dangerous schools*; and 2) *victims of violent criminal offenses*. According to the federal requirement, effective **September 2, 2003** and by the beginning of each school year thereafter, LEAs receiving NCLB funds must be prepared to offer and complete a transfer option to another safe school within the district for students who attend school buildings identified as persistently dangerous and students that are victims of violent criminal offenses. Students are not required to accept the transfer option, but they must be afforded the opportunity

to do so. The USCO Policy Provision I: Persistently Dangerous Schools applies *only* to LEAs that have been designated by the NJDOE under the policy as persistently dangerous. The USCO Policy Provision II: Victims of Violent Criminal Offenses applies to *all* LEAs receiving NCLB funds.

School districts/charter schools with school buildings designated as persistently dangerous under USCO Policy Provision I will be notified of their status by the NJDOE by July 1 of each year and provided with technical assistance in developing and implementing corrective action plans. While USCO Policy Provision II provides schools with practical criteria for making reasonable determinations and actions under the policy, LEAs are encouraged to consult with their school board attorneys and communicate with designated local and/or county law enforcement authorities, per the provisions of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* and *N.J.A.C. 6A:16-6.2(b)12*, on questions and issues that arise in the implementation of the individual victims of violent criminal offenses policy.

Since the USCO policy and the safe school choice option must be offered and completed by the beginning of each school year, effective September 2, 2003, you are encouraged to act upon the provisions of the policy, as soon as possible. Should you have any questions about the policy, please contact Susan Martz, director, Office of Program Support Services or Gary L. Vermeire, program coordinator, safe and drug-free schools unit, both at (609) 292-5935.

Your assistance is appreciated in implementing this important strategy for providing students with safe and disciplined school environments.

IB/SM/glv.s:\safe schools\unsafe school choice option\announce letter to csas 6-16.doc

Attachment

c: William Librera, Ed.D.
Dwight Pfennig
Gloria Hancock
Senior Staff
Susan Martz
Gary Vermeire
County Superintendents